

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

AHERN RENTALS, INC.,

Plaintiff,

VS.

**EQUIPMENTSHARE.COM INC, and
EZ EQUIPMENT ZONE LLC,**

Defendants.

Case No.: 4:20-cv-1565-SRC

JURY TRIAL DEMANDED

**PLAINTIFF AHERN RENTALS, INC.'S CONSENT MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE IN OPPOSITION TO DEFENDANTS' MOTIONS TO
DISMISS**

COMES NOW Plaintiff Ahern Rentals, Inc. (“Plaintiff” or “Ahern”), by and through the undersigned counsel and for its Consent Motion for Extension of Time to File Response in Opposition to Defendants’ Motions to Dismiss, states as follows:

1. On November 2, 2020, Plaintiff filed its Complaint in the United States District Court for the Eastern District of Missouri [ECF #1].
2. Defendant EquipmentShare.com, Inc. (“EquipmentShare”) was served with a civil summons and Plaintiff’s Complaint on November 4, 2020.
3. Defendant EZ Equipment Zone LLC (“EZ”) was served with a civil summons and Plaintiff’s Complaint on November 24, 2020.
4. On November 17, 2020, Defendant EquipmentShare requested, and Plaintiff’s counsel consented, to an extension of time to file its responsive pleading by December 16, 2020 [ECF #8], and the Court granted EquipmentShare’s Consent Motion on November 24, 2020 [ECF #12].

5. On December 15, 2020, Defendant EquipmentShare requested a second extension, and Plaintiff's counsel consented, to an extension of time to file its responsive pleading by January 4, 2021 [ECF #23], and the Court granted EquipmentShare's second Consent Motion on December 15, 2020, noting that any response to the Complaint must be filed no later than January 15, 2021 [ECF #24].

6. On December 11, 2020, Defendant EZ requested, and Plaintiff's counsel consented, to an extension of time to file its responsive pleading on January 15, 2021 [ECF #20], and the Court granted EZ's Consent Motion on December 15, 2020, noting that any response to the Complaint must be filed no later than January 15, 2021 [ECF #22].

7. On January 15, 2021, Defendants separately filed their Motions to Dismiss (ECF #25-28).

8. Pursuant to the United States District Court for the Eastern District of Missouri's Local Rules, Section 4.01, Plaintiff's Response in Opposition to Defendants' Motions to Dismiss is currently due on January 29, 2021.

9. Plaintiff Ahern respectfully requests a two-week extension, up to and including February 12, 2021, to file its Responses in Opposition to Defendants' Motions to Dismiss.

10. Having reviewed both Motions and determining that each requires a separate and distinct response, and considering current intervening deadlines in other pending matters, Counsel for Plaintiff contacted Counsel for Defendant EquipmentShare and Defendant EZ on January 19, 2021, and requested consent to a two-week extension, up to and including February 12, 2021, and is advised the Counsel for both Defendant EquipmentShare and Defendant EZ consent to the requested extension.

11. Pursuant to the Honorable Stephen R. Clark's "Requirements" the Court has not yet issued its Case Management Order (CMO) for this case, therefore any extension of time should not impact any future deadlines contained in the CMO.

12. Further, and pursuant to the United States District Court for the Eastern District of Missouri's Local Rules, Section 4.01, Plaintiff Ahern will not file a separate memorandum in support of its motion for extension of time.

13. This is Plaintiff Ahern's first request for an extension of time to respond to Defendants' Motions to Dismiss, and this request is not being made for purposes of delay or any other vexatious purpose.

WHEREFORE, Plaintiff Ahern Rentals, Inc. respectfully moves this Court for an extension of time up to and including February 12, 2021, to file its Responses in Opposition to Defendant EquipmentShare.com Inc.'s and Defendant EZ Equipment Zone LLC's Motions to Dismiss.

Dated: January 19, 2021

Respectfully submitted,

/s/ Lindsey Rendlen Latzke

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CERTIFICATE OF SERVICE

I hereby certify that, on January 19, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Lindsey Rendlen Latzke

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